

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----x Docket 19 CV 05165

JS, a minor 17 years of age, by her mother and natural guardian, LINDA SNYDER, individually and on behalf of all those other 16 and 17 year old minors arrested by the Nassau County Police Department and coerced into entering and appearing in the Nassau County Adolescent Diversion Program (ADP) without the statutory protections afforded to other criminal defendants in the County of Nassau, and LINDA SNYDER, individually and on behalf of all others whose cellular phone-electronic devices are seized by law enforcement officers without a warrant or under exigent circumstances in Nassau County; LINDA SNYDER, individually and on behalf of all those other persons in Nassau County and whose cellular phones and smart phones had seized but have not yet been returned although no circumstances exist which might justify law enforcement officials in retaining those devices; and J.S., a minor, LINDA SNYDER, individually and on behalf of all the parents of those 16 and 17 year old minors arrested by the Nassau County Police Department and coerced into entering the Nassau County Adolescent Diversion Program (ADP) who underwent psychological examination and questioning by the Nassau County Probation Department without informed consent, the presence of an attorney or HIPAA release and from whom information was dissemination to the Nassau County District Attorney's Office,

**REPLY TO  
CROSS-CLAIM**

Plaintiffs,

- against-

COUNTY OF NASSAU, MADELINE SINGAS as Nassau County District Attorney, PATRICK J. RYDER as Commissioner of Police, Nassau County Police Department; and the NASSAU COUNTY POLICE DEPARTMENT; Nassau County Police Detective DAMIEN SAUREZ #8794, Nassau County Police Detective BRENDAN C. GIBBS (#8774) individually and in their official capacity, NASSAU COUNTY POLICE OFFICERS JOHN AND JANE DOE #1-10, individually and in their official capacity; and HEMPSTEAD POLICE OFFICERS JOHN AND JANE DOE #1-10, individually and in their official capacity as officers of the Village of Hempstead Police Department, Hempstead Police Officer ROTH No. 1252, individually and in his official capacity ; and the Village of Hempstead Police Department; JOHN PLACKIS, as Director of Probation, and Nassau County Department of Probation, N. SCOTT BANKS as Attorney in Chief, Legal Aid Society of Nassau County; HON. JANET DIFIORE as Chief Judicial Officer of the State of New York and Chief Judge of the Court of Appeals; HON. NORMAN ST. GEORGE, District Administrative Judge, County of Nassau in the representative capacities as the administrative and procedural managers and supervisors of the Unified Court System of the 10<sup>th</sup> Judicial District; MARY MCCORMICK, as C.E.O. of Center for Court Innovation Fund for the City of New York and the Center for Court Innovation, and BRANDON CHAMBERS,

Defendants.

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Defendants Hon .Janet DeFiore, as Chief Judicial Officer of the State of New York, Hon. Norman St. George, District Administrative Judge, County of Nassau and the Unified Court System of the 10<sup>th</sup> Judicial District, by their attorney LETITIA JAMES, Attorney General for the State of New York, as and for their reply to the cross-claim interposed by Defendants Hempstead Police Officer and Village of Hempstead Police Department, herein alleges as follows:

1. Deny the allegations contained in paragraphs numbered "34" and "35" in their entirety.

FIRST AFFIRMATIVE DEFENSE

3. Qualified immunity bars the claims against the State Defendants as their conduct was justified by an objectively reasonable belief that it was lawful. At all times mentioned in the Complaint and Cross-claims, the State Defendants acted in good faith and had reasonable grounds to believe they were in compliance with applicable law.

WHEREFORE, Defendants respectfully requests that this Court dismiss the Cross-claim and deny the relief requested, and provide such other and further relief as this Court may deem just and proper.

Dated: Hauppauge, New York  
December 16, 2019

LETITIA JAMES  
Attorney General of the State of New York  
Attorney for the State Defendants

By: Lori L. Pack  
LORI L. PACK (LLP/8303)  
Assistant Attorney General  
300 Motor Parkway, Suite 230  
Hauppauge, New York 11788  
(631) 231-2177